

**Proposals Submitted
for
Mayor Menino's Legislative Initiatives
for the
2007-2008 Legislative Session**

Crime Prevention and Rehabilitation of Ex-Offenders

An Act to Further Enhance Public Safety in the Commonwealth - This bill will include elements to help municipal law enforcement fight escalating crime, including:

- Creation of an electronic database for sales of weapons and ammunition
- Creation of penalties for felon in possession of a firearm
- A ban on armor-piercing bullets by anyone other than law enforcement
- New definition of a "habitual offender"
- Microstamping of bullets

An Act to Ease the Transition of Ex-Offenders - This bill continues the progress made last session on a number of items designed to help transition ex-offenders back into society upon their release, such as: financial incentives for employers who hire former inmates, additional funding for GED and other educational opportunities, provisions requiring clarity and transparency in CORI reports, and better coordination of discharge planning.

Municipal Revenues

An Act Relative to the Taxation of Telecommunications Companies – This bill would amend 3 sections of the real estate tax statute to remove special tax exemptions for telephone/internet companies.

An Act Relative to a Local Options Meals Tax – This bill would allow a city or town to levy an additional 1% on the meals tax by local option. Other manifestations, including one that redistributed ¼ of the total increase to all 351 cities and towns, have had varying success in recent years.

An Act Relative to Property Tax Classification in Cities and Towns – This would reverse a 2004 law that changed the classification formula to allow a reduction in the commercial business factor to 170%. This bill would set the rate back at 175%.

An Act Relative to the Taxation of Public Land Used for Commercial Purposes on MBTA Property - The bill would remove the exempt status of property for commercial purposes on MBTA land.

An Act Relative to the Taxation of Parking Easements Located within Condominium Areas – This bill closes a tax loophole that allows a portion of the common area in a condominium building to remain untaxed.

An Act Amending Certain Health Insurance Options for Municipal Retirees – This bill would modify MGL Chapter 32B, Section 18 to allow cities and towns to prospectively require retirees to enroll in Medicare upon retirement.

An Act Permitting Cities and Towns to Impose an Excise on the Use of Off-Street Parking Facilities – This is a common fee imposed in most every major city. EPA parking restrictions in Boston limit supply and increase the price artificially.

An Act Relative to the Storage Fee for Towing – This bill would attempt to increase the storage fee for all towed vehicles, resulting in an increase of up to \$5.00 per tow. Currently BTDA charges a maximum of \$15.00 per day, and the Dept. of Telecommunications and Energy (DTE) allows a maximum of \$20.00 per day. This is a companion piece to the towing fee change made in 2003.

An Act Relative to the Full Reimbursement of 50% of the Entitlement for Public School Transportation – This act provides for the commonwealth to reimburse 50% of the transportation entitlement for (non-regional and non-private/parochial school) students. Reimbursement for school transportation to Boston is projected to be \$11.4M.

Public Safety

An Act Relative to the Issuance of a Motor Vehicle Citation for Firearms Arrests – For each person convicted as a result of a firearm arrest, the Registrar of Motor Vehicles would suspend/revoke the right to operate and register a motor vehicle in the Commonwealth. The period of suspension would not exceed 5 years, but an officer can later tell in routine traffic stops that a person has had a prior firearm offense.

An Act Relative to the Destruction of Drugs Held by Police Departments – By current law, Police Departments are required to hold and store all drugs seized in an arrest. This results in a dangerous situation where large quantities of drugs are being stored in a warehouse and need to be guarded around the clock. To destroy the evidence, Police Departments must obtain an order from the District Attorney. While BPD is currently working on getting orders for much of the current stockpile of narcotics, this bill sets up a procedure for drug destruction, based on the current federal procedure and following federal evidentiary guidelines.

An Act to Enhance the Threats Statute – This would allow apprehension of a person who makes a threat against someone else without a warrant. Currently, police must obtain a warrant to make an arrest – this would allow apprehension without that warrant.

An Act to Require Mandatory Post-Release Supervision and Assistance for all Offenders Released from State and County Incarceration – About 40% of the offenders

released from the State Prison, and almost all the offenders released from the Suffolk County House of Corrections, are returning to the streets of Boston without guidance on re-entering society. This would allow an additional tool for the state to provide additional services to those offenders who would benefit from such assistance.

An Act Relative to the Failure to Submit to a Police Officer – Presently, when a driver fails to pull over and stop when directed to do so or fails to produce a license, there is a \$100 penalty. This would change that penalty to a \$500 fine and up to a year in jail time.

An Act Relative to Assault and Battery Upon Public Employees – After a number of assaults on parking enforcement officers, this issue emerged as a problem because the City could not aggressively pursue action against the offenders. This bill seeks an increase in the maximum term of imprisonment to not less than 180 days or more than 5 years in a House of Correction, with a fine to not less than \$1000 or more than \$10,000.

An Act Relative to the Speed Limit in Cities and Towns - This legislation would reduce the speed limit in thickly settled areas and in business districts from the current level of 30 miles per hour to 25 miles per hour.

An Act Permitting the Use of Traffic Control Signal Violation Monitoring System Devices as a Means of Promoting Traffic Safety – This legislation would provide for the creation of a pilot program for Boston and Cambridge to use photo-monitoring devices to enforce traffic control signals.

An Act Relative to the Illegal Use of Motor Vehicle “Hides”– This makes use of a motor vehicle hide, which is legal for transport of items such as jewelry, illegal when used for criminal activity. It adds a minimum of 3 years and not more than 5 years to any eventual sentence.

An Act to Increase Access to Information Regarding Drug Overdose Deaths – This would require that the medical examiner, upon determination that a death was caused by a negligent act or by drugs, report that information to the local district attorney and the police department. There is currently no reporting requirement and so cases that might otherwise be able to be linked together often cannot be done.

An Act to Provide Concurrent Police Authority for Massachusetts Port Authority Properties – This bill would provide concurrent jurisdiction on all MassPort Authority for the local law enforcement agency. Without this designation, public safety in these areas may be compromised.

An Act Relative to Firefighter Communication in Buildings – Currently, most high-rise buildings have hard-wired telephone fire communication systems. This means that for fire fighters in the building to receive information/communication from units outside the building, they must use the “fire phone” on the floor which they are working.

An Act Clarifying Enforcement of the State Fire Code – Currently state-owned buildings and state authority-owned buildings are not required to comply with the state fire code because the general laws do not specifically mention that the state must comply with the code. This legislation would amend the General Laws to make either the state fire marshal or the local fire department in charge of enforcing the fire code with respect to state buildings.

Consumer Protection and Increased Quality of Life

An Act to Clarify the Resale of Tickets – This bill allows police officers to arrest anyone violating a scalping statute, rather than simply giving a ticket.

An Act Relative to the Nuisance Statute – This bill would allow the City to seize any vehicles of so-called “Johns” when they are arrested for solicitation. This would discourage people from fraternizing with prostitutes or using their automobiles to commit lewd acts.

An Act to Amend the Fine for Failing to Obtain, Renew or Violating the Terms of a License to Operate an Open-Air Parking Lot – This legislation will allow the Off-Street Parking Facilities Board to better enforce its open-air lot license requirements. Lot owners will have a greater incentive to comply with the terms of their licenses, as well as to renew their licenses in a timely manner each year. This would increase the fine from \$300 to \$1000.

An Act Relative to Smoke Detector Responsibility Clarification – This legislation clarifies the responsibility of a landlord to maintain the smoke detector in the apartment. Currently the tenant often blames the landlord for not having a battery in the smoke detector but at the same time denies the landlord access to the apartment. This legislation would only apply to 6 or more units.

An Act Requiring the Installation of Automatic Sprinklers in Certain High-Rise Condominium and Cooperative Buildings - This bill would require sprinklers in high-rise condominium and cooperative buildings. Currently, the law exempts condo units built before 1975 from having sprinklers in their units. (Harbor Towers and Charles River Park do not have sprinklers.)

Governmental Efficiencies

An Act Relative to the Abolition of Suffolk County – This bill would allow for the abolition of Suffolk County. Many of the County’s assets are already held by the Commonwealth and this would simply clarify that the county structure has been dismantled.

An Act Relative to the Disclosure of Prior Employment Information – This bill would obligate companies, both public and private, to provide employment records to

background investigators, as a matter of course, in the interest of public safety. Currently, provision of this information is discretionary and slows down hiring.

An Act to Provide Public Schools Administrative Flexibility – This would remove assistant principals and middle-managers from collective bargaining, allowing changes to be made more quickly in underperforming schools.

An Act to Provide Funds for Municipally Operated Firefighter Recruit Training Programs – This legislation would compensate those municipalities that have the added burden and costs associated with firefighter recruit training and do not benefit from the State Academy Recruit Training Program. Boston has trained 139 firefighter recruits from 20 municipalities since 1996 as well as training over 60 Boston recruits each year. This bill would also access funds paid by insurance companies for the state Firefighting Academy to make improvements to our Fire Academy in recognition of the training we provide.

An Act to Provide Funding for Hazardous Materials Preparedness and Response Teams in the Cities of Boston, Cambridge and Springfield – This legislation requests funding for Boston, Springfield and Cambridge for hazardous materials since these are the cities with the highest amounts of hazardous materials and as a result are at a greater risk for disaster.

An Act Relative to Confined Space Rescue Services – The Occupational Safety and Health Administration (OSHA) requires that certain construction jobs and projects provide confined space rescue plans and personnel. Since BFD personnel are trained and equipped to provide these services many companies are relying on and requesting the BFD. This legislation would allow the BFD to implement a fee for these services.

An Act Establishing Early Voting in the Commonwealth - This legislation would allow cities and towns to establish a centrally located and convenient polling location for voters to record their votes from the twentieth to the sixth day preceding an election. This is similar to voting practices in an increasing number of states.

An Act Facilitating Absentee Voting in the Commonwealth – Currently voters requesting absentee ballots must present a reason why they cannot vote on the day of the election. This legislation will remove that requirement and allow voters to request an absentee ballot without providing any reason or excuse.

An Act Relative to Assessing Administration - This legislation is a multi-section bill, which addresses a number of “nuts and bolts” assessing administration issues.

Housing

An Act to Protect Homeowners from Mortgage Foreclosure – This will establish a 90-day moratorium on foreclosures as long as the homeowner was actively seeking help from an accredited credit-counseling or foreclosure prevention agency. It would also

require mortgage originators/loan officers to be licensed and use part of those licensing fees to pay for expanded foreclosure prevention and establish a “rescue loan” loan pool.

An Act Supporting Certain Efforts to Create Housing in the Commonwealth – This bill would allow monies collected via linkage programs to be eligible for matching funds from the state under the Community Preservation Act (CPA). The City already raises money in addition to general tax revenue for a CPA purpose (housing) via its linkage program.

An Act to Establish a Low-Income Rental Assistance Trust Fund – This would levy an additional \$12 on real estate recording fees for additional low-income rental subsidies. The legislation requires that all Low Income Rental Assistance (LIRA) subsidies be targeted to households below 30% of Area Median Income (AMI), and further mandates that one-half of all LIRA vouchers go to households below 15% of AMI. This is modeled on a successful Chicago program.

An Act to Facilitate Community Development Projects – This legislation would make the CDAG programs more flexible and expand the eligibility of the programs to allow use for any infrastructure as long as there is a public benefit. It also would state that projects that are located in empowerment zones and enterprise communities automatically meet this requirement. (Examples: retaining walls in Dorchester and Roxbury, and water levels)

An Act to Enhance Public Safety and Security in Certain Public Housing Developments – This would create an \$11M fund for the policing of public housing in the Commonwealth.

An Act to Clarify the Powers of Housing Receivers – The purpose of this legislation would be to expand the power of the housing receiver to include not only occupied properties that represent a health hazard, to include unoccupied property, vacant lots, commercial and mixed use property.

An Act Relative to Lodging Houses – This proposal provides clear definitions for the terms “lodging house; family; single room occupancy; rooming unit; dwelling unit; and single housekeeping units”. These definitions have also been developed to confirm to both federal constitutional law as well as Massachusetts’ case law.

Economic Development and Job Growth

An Act Amending the Economic Development Incentive Program - The Economic Development Incentive Program (EDIP) allows a city to grant an exemption on incremental property taxes for a project within an Economic Target Area (ETA) that creates jobs. The designation of a project within an ETA also results in an Investment Tax Credit or Abandoned Building Tax Credit from the State. However, in order to get the state tax credits, the project must be within an ETA and be a qualified project. This

proposes a bill that would expand the definition of projects eligible to receive the investment tax credit to include 121A projects.

An Act to Increase the Flexibility of Tax Credits - This bill is to expand the usage of tax credits granted to Massachusetts taxpayers under Chapters 62 and 63. However, a not-for-profit corporation or small company may have no or insufficient tax liability needed to use these tax credits. This bill would allow the sale of tax credits to entities with sufficient tax liability. Companies without taxable earnings could also sell tax credits they have earned. This is especially useful in emerging technology businesses such as life sciences and renewable energy.

An Act To Expand the Representation on Certain Workforce Advisory Boards – This would add mayoral representation to two bodies created in the 2004 Economic Stimulus bill: 1.) the Workforce Competitiveness Trust Fund Advisory Committee; and 2.) the Performance Standards Task Force.

An Act Relative to the Notification of Large Job Layoffs - This would tighten the Federal Worker Adjustment and Retraining Notification (WARN) act law by reducing the number or percentage of workers that must be terminated to trigger notification of state and local authorities. Under Federal law, a covered employer must give notice if an employment site (or one or more facilities or operating units within an employment site) will be shut down, and the shutdown will result in an employment loss of 50 or more employees during any 30-day period.

An Act Authorizing the Transfer of Certain Land to the City of Boston – This bill is the last piece of the Chelsea Street Bridge renovation process. It would transfer land from the Commonwealth and the City of Chelsea to the City of Boston so that the bridge may be rebuilt.

An Act Regarding Vacancies in the Beacon Hill Architectural Commission – This would allow for an alternate commissioner to act as part of the BHAC in cases of absence.

An Act Relative to the Economic Development of the Commonwealth – This legislation is a technical correction to last session's successful I³ (Infrastructure Investment Initiative) legislation to address some outstanding issues. This will address the financing of the bonds, namely the vagueness of the language regarding the \$200 million cap, and most importantly, address an unintentional gap in the supporting debt service that would create fundamental difficulty in the marketing of the bonds.

Human Services

An Act to Promote the Safety of Victims of Violence - This bill would require acute care hospitals to have a safety plan for all victims of violence and to explain the plan and offer options to such individuals instead of just releasing them back into a dangerous situation. Several hospitals currently have policies for victims of domestic violence who would be

at known risk if they returned home. This would mandate that all hospitals have such plans for every victim, including victims of violent crime.

An Act to Amend the MOVA (Massachusetts Office of Victim Assistance) Funding Formula for Funeral Compensation – This bill would increase the allowance for funeral expenses granted to families of victims of violent crime from \$4,000 to \$7,500.

An Act to Restrict the Sale of Video Games with Violent Content to Minors – This bill would make it a crime to sell video games containing violent material to minors by amending the Harmful to Minors Statute, which currently encompasses sexual content to make it also apply to violent material, and ensure that this rule would be applied to interactive media (not just films and books).

An Act to Improve Access to Nutritious Foods and Physical Activity – This bill would do three things: (1) establish a school wellness implementation advisory council jointly chaired by the department of education and the department of public health; (2) create pilot programs for healthier school lunches and enhanced school fitness offerings; and (3) establish a food policy council jointly chaired by the department of agriculture and the department of public health.

An Act to Develop a System of After-School and Out-of-School Time in the Commonwealth - This legislation would create a coordinated system of out of school time services for children and youth and their families. This system shall respond to the needs of individual communities, and shall support both the expansion of out of school time programs and quality improvement in such programs.

An Act Relative to Child Passenger Safety - This bill would make changes in the current child restraint laws. Currently children only have to use these restraints until they are age 4 or 40 lbs. and then they can use the safety belt. Many children however are not ready physically for the seat belt and the Boston Public Health Department would like to change the law to age 8 or 57 inches in height.

An Act Relative to Reporting Child Abuse – This would require DSS to also report child abuse to local law enforcement officials so that a case can be built against anyone who abuses a DSS child. Often law enforcement does not hear about cases of abuse until it is too late – this will help protect children more effectively.

Energy/Environment

An Act Relative to the Reinstatement of the Clean Environment Fund – This will separate the unpaid Bottle deposits back into a separate fund dedicated to sustain recycling and climate protection. It also includes for deposit all beverage containers that encapsulate fluids intended for human consumption. This will expand the “Bottle bill”, so-called, by allowing plastic water and juice bottles to be presented for redemption.

An Act to Establish a Green Building Income and Excise Tax Credit – This bill will provide tax credits to building developers, owners and tenants who, for commercial and multi-family residential buildings, invest in measures to: 1.) increase energy efficiency; 2.) improve indoor air quality; and 3.) reduce the environmental impacts.

An Act Authorizing Certain Development in the Fort Point Channel – This bill ensures that Fort Point Channel will continue to develop into a public and open water park. Maritime Rules require that the lane be navigable for shipping, however, the Channel is not used for that purpose anymore. This will ensure that the Channel remain open to the public while still being available for development in the area.

An Act Relative to the Supervisory Authority of the Department of Telecommunications and Energy to Regulate Steam Companies - This would give DTE the ability to regulate steam companies such as Trigen-Boston, which currently has no controls.

An Act Relative to Spectacle Island - This legislation would provide for proper and consistent management of Spectacle Island Park between the Commonwealth of Massachusetts and the City of Boston.

An Act Relative to the MBTA's Copley Station – This legislation would change the name of Copley MBTA Station to “Copley/BPL Station” to reflect the influence and contributions of the Boston Public Library in the Back Bay area.